



2685#  
14

## AMENDMENT TRANSMITTAL LETTER

Docket No.  
65632-0059 (00-VE24.35)

Application No.  
09/835,649

Filing Date  
4/17/01

Examiner  
Nguyen, T.

Art Unit  
2665

Applicant(s): Baum et al

Invention: Vertical Services Integration Enabled Content Distribution Mechanisms

### TO THE COMMISSIONER FOR PATENTS

**RECEIVED**

Transmitted herewith is an amendment in the above-identified application.

APR 08 2003

The fee has been calculated and is transmitted as shown below.

Technology Center 2600

### CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	-	=		X	
Independent Claims	-	=		X	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): TWO MONTH EXTENSION OF TIME					\$410.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					

Large Entity

Small Entity

No additional fee is required for this amendment.

Please charge Deposit Account No. 18-0013 in the amount of \$ 410.00. A duplicate copy of this sheet is enclosed.

A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 18-0013 as described below. A duplicate copy of this sheet is enclosed.

Credit any overpayment.

Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
Joseph V. Coppola, Sr.

Attorney Reg. No.: 33373

Bader, Fishman & Grauer PLLC  
39533 Woodward Ave., Suite 140  
Bloomfield Hills, MI 48304

(248) 594-0650  
Customer No. 010291

Dated: March 28, 2003

04/07/2003 YPOLITE1 00000051 180013 09835649

01 FC:1252 410.00 CH

**Amendment Transmittal**  
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: March 28, 2003

Signature:  (Joyce A. Krumpe)



Attorney Docket No. 65632-0059 (00-VE24.35)

15  
4/14/03  
mey

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 2665  
                        ) )  
Robert T. BAUM et al. ) Examiner: T. Nguyen  
                        ) )  
Appln. No.: 09/835,649 ) )  
                        ) )  
Filed: April 17, 2001 ) )

RECEIVED

For: VERTICAL SERVICES INTEGRATION ENABLED CONTENT  
DISTRIBUTION MECHANISMS

APR 08 2003  
Technology Center 2000

Commissioner of Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

deposited with the United States Postal Service

transmitted by facsimile to the  
Patent and Trademark Office to  
Examiner \_\_\_\_\_  
at \_\_\_\_\_ (fax number)

first class mail, postage prepaid in an envelope addressed  
to the Commissioner for Patents, Washington, DC 20231

Express Mail, Post Office to Addressee, Mailing Label  
No. \_\_\_\_\_ addressed to Commissioner for Patents,  
Washington DC 20231

Signature

Joyce Krumpe

Date: 3/28/03

Name

Joyce Krumpe

RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

This is a response to the non-final Office Action dated November 15, 2002 (Paper No. 13). Claims 1-3 and 6-57 are pending in the application. Claims 1-3, 6, 9, and 12-17 stand rejected by the Office Action. Claims 7, 8, 10, and 11 are objected to and Claims 18-57 are in allowable form, as indicated by the Office Action. Favorable reconsideration and allowance is respectfully requested in light of the following Remarks.

I. Formal Matters.

1. For purposes of clarity in the record, Applicants respectfully point out that the *Office Action Summary* page incorrectly indicates that *Claims 1-3 and 6-45 are pending* and that *Claims 18-24 are allowed*. However, page 3, line 20, of the Office Action indicates that *Claims 18-57 are allowed*. In view of what is stated on page 3, line 20, it appears that the claims which are indicated as pending and allowed on the *Office Action Summary* page is a typographical error and that Claims 1-3 and 6-57 were properly examined by the Office Action. Therefore, Applicants are responding to the present Office Action with the understanding that the pending Claims are 1-3 and 6-57, with Claims 18-57 in allowable form.

2. Applicants kindly thank the Examiner for indicating the allowance of Claims 18-57 (at page 3, line 20).

3. Applicants kindly thank the Examiner for indicating that Claims 7, 8, 10, and 11 contain allowable subject matter if re-written in independent form including the limitations of the base claim and any intervening claims. Applicants have carefully reviewed the rejected and objected subject matter and have chosen to not add new claims or amend the pending claims in order to obtain immediate allowance of the rejected and objected subject matter.

4. Applicants respectfully request that the United States Patent and Trademark Office change the Attorney Docket Number of the cover page for this application to reflect the correct Attorney Docket Number of 65632-0059, not 50107-473.

I. The Claims Define Patentable Subject Matter.

1. Claims 1-3, 6, 9, and 12-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *newly cited* U.S. Patent No. 6,307,839 to Gerszberg et al. (“Gerszberg”) in view of *newly cited* U.S. Patent No. 6,097,720 to Araujo et al. (“Araujo”). Applicants respectfully traverse this rejection.

Applicants agree with the Office Action that Gerszberg does not disclose “*transmitting content data stored on the central content server to the at least one local content server substantially on the determined unused bandwidth*” (see: Office Action at page 3, lines 1-3). Even further, applicants also respectfully submit that Gerszberg does not disclose “*replicating content data stored on a central content server to at*

*least one local content server*" either. Yet even further, Applicants also respectfully submit that Gerszberg does not disclose "*determining unused bandwidth on a common link of an access data network carrying subscriber traffic and over which the central content server located in a hub site and the at least one local content server located in a central office communicate.*"

Firstly, Gerszberg does not disclose the "replicating content data from a central server to a local server" limitation as recited in the preamble of independent Claim 1. Gerszberg's system merely acts as a data distribution point and does not in any way function as a storage device. Thus, Applicants respectfully submit that Gerszberg's system is only focused on data transmission rather than data replication, as recited by the claimed invention.

Secondly, Gerszberg does not disclose the "local content server located in a central office" limitation. Gerszberg only appears to disclose "*a facilities management platform (FMP 32) disposed in the local telephone network's central office (34) for routing data to an appropriate interexchange company network*" (see: col. 2, lines 32-34). It is respectfully submitted that the FMP 32 is not a server, let alone a local content server in a central office. Although it appears that Gerszberg's FMP 32 and network server platform (NSP 32) may be collectively defined as an access network server complex (38) at col. 5, line 66 – col. 6, line 1, the network server complex 38 still does not disclose a local content server in a central office. Therefore, it is respectfully submitted by the Applicants that Gerszberg can not, and does not teach, disclose, or suggest the claimed limitation of a "local content server located in a central office."

Thirdly, Gerszberg does not disclose the "determining unused bandwidth on a common link...over which the central content sever located in a hub site and the at least one local content server located in a central office communicate" limitation. Gerszberg only appears to disclose that "*(b)oth the intelligent services director (ISD 22) and the FMP 32 have the capability to sense and seize the available bandwidth and allocate that bandwidth to the requested service.*" It is respectfully submitted that Gerszberg's preferred embodiment does not disclose two (2) servers, let alone one (1) server in a hub site and one (1) server in a central office for the purposes of replicating content data from a central server to a local server. However, in another embodiment

of the invention, Gerszberg discloses that “*the ISD may be configured as an IP proxy server such that each of the devices connected to the server utilizes transmission control protocol/Internet protocol (TCP/IP) protocol. This configuration allows any device associated with the ISD to access the Internet via an IP connection through the FMP 32*” (see: col. 7, lines 47-59). Although it appears that two (2) servers are disclosed in this embodiment of the invention, Gerszberg still does not disclose one (1) server in a hub site and one (1) server in a central office for the purposes of replicating content data from a central server to a local server. Therefore, it is respectfully submitted by the Applicants that Gerszberg can not, and does not teach, disclose, or suggest the claimed limitation of “determining unused bandwidth on a common link...over which the central content sever located in a hub site and the at least one local content server located in a central office communicate” for replicating content data from a central server to a local server.

Even further, Gerszberg explicitly states that “*the customer connection 30 (e.g., twisted-pair lines),*” which are seen between the ISD 22 and the central office 34 in Figure 1, permits interexchange companies to have “*access to the twisted-pair wires entering the customer’s premises (in order to) differentiate their services by providing higher bandwidth*” (see: col. 2, lines 20-22, col. 9, lines 8-9). Thus, Applicants respectfully submit that the Gerszberg’s explicit limitation of a customer connection 30 is not “a common link...over which the central content sever located in a hub site and the at least one local content server located in a central office communicate,” but rather a connection that permits communication between two (2) non-server elements (in the preferred embodiment) or a channel that permits communication between an IP proxy server (i.e. the ISD 22) and a central office 34 that is completely deficient of a server, let alone at least one local content server.

To make up for the admitted deficiencies of Gerszberg, the Office Action indicates that Araujo teaches the claimed “transmitting content data stored on the central content server to the at least one local content server substantially on the determined unused bandwidth” limitation. Applicant respectfully disagrees.

Similar to the system as disclosed in Gerszberg, Araujo does not disclose the “replicating content data from a central server to a local server” limitation and is only focused on data transmission rather than data replication. Even further, Applicant